

Claims 2-4 have been amended and are no longer subject to the objections noted.

IV. Claim Rejections – 35 U.S.C. §112

Claim 5 has been amended to overcome the rejection under 35 U.S.C. §112.

V. Claim Rejections – 35 U.S.C. §102 and 103

Claim 1 has been amended to include a retaining wall extending upward from the outer rear edge of the loading end facing away from the back of the vehicle as depicted in FIGS. 1 and 4 and described in the specification, page 6, lines 12-25. This wall serves to retain material placed on the loading end, and to prevent it from sliding off. The loading end of the present apparatus does not include a scoop or ramp or a fork with a smooth edge as depicted and described in the references, to facilitate the loading of a wheeled vehicle, a bale of hay or fodder, or leaves. In fact, the present apparatus is not structured to provide a smooth angled surface or fork structure for sweeping, rolling, scooping or sliding of material objects from the ground surface onto the loading end.

Fontrier plainly involves an angled, wedge-shaped fork, for rolling hay bales onto a platform and then onto a truck. A retaining wall as in the present apparatus would impede rolling the hay bale onto the fork and the loading platform. Von der Heide, Hendrickson and Smith similarly disclose loading platforms or surfaces that are in contact with the ground and include a ramp, lip, or scoop that is angled and smooth to facilitate loading by rolling, sliding or sweeping onto the loading platform. An upward, vertically positioned retaining wall would hinder or impede operation of the inventions of the references cited.

The additional structure of the retaining wall in the amended claim 1 avoids the §102 rejection. The fact that this structure of amended claim 1 is not disclosed by the cited references,

but also would be contrary to the operation of the references, indicates that a §103 rejection does not lie.

The dependent claims 2-10 and 13-14 depend from an allowable independent claim and therefore also are allowable.

Applicant respectfully requests that the claims as amended be allowed.

A listing of claims with the referenced amendments follows: